

## Opinion No. 45-4830

December 27, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** J. B. Mitchell, Director Drivers' License Division Bureau of Revenue P. O. Box 1686 Santa Fe, New Mexico

{\*168} In your letter dated December 26, 1945, you state that a person in Clovis was charged with and convicted of a "hit-and-run" violation, that the judge states in the court transcript that the conviction was under Section 68-901 of the 1941 Statutes, but that the defendant was allowed by the judge to retain his driver's license. You request an opinion relative to your duty to revoke this license, in view of the provisions of Section 68-317 of the 1941 Compilation.

Section 68-528 (b) provides as follows:

"The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in section 59 (sec. 68-901 of this act."

Under Section 68-904 of the 1941 Compilation, if an accident results in injury or death to any person, certain penalties are prescribed. In view of the fact that the judge stated the conviction of the person involved herein was under Section 68-901, I assume the charge was based upon the foregoing subsection (b) of Section 68-528 where only property damage was involved. However, under Section 68-317, subsection (6), it is provided as follows:

"(a) The department shall forthwith revoke the license of any person upon receiving a record of the conviction of such person of any of the following crimes, whether such conviction be had under any state law or local ordinance:

6. Conviction of the driver of a motor vehicle involved in an accident resulting in the death or injury of another person or damage to property upon a charge of failing to stop and disclose his identity at the scene of the accident."

If the charge of "hit-and-run" was intended to be and actually constitutes a charge of failing to stop after an accident and disclose the identity of the driver, then the law requires the revocation of the license of the person convicted of such charge.

In my opinion, the charge "hit-and-run" is synonymous with a charge as above stated and under the law it is your duty to revoke the license of this person.